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HONOURABLE SRI JUSTICE B.PRAKASH RAO
AND
HONOURABLE SRI JUSTICE RAMESH RANGANATHAN

WRIT APPEAL NO:1135 of 2006

DATED: 06-11-2006

Between:

1. The Airports Authority of India, rep.by its Chairman, Rajiv Gandhi Bhavan, Safdargunj Airport, New Delhi-110 003 and 3 others.

.....
APPELLANTS

AND

K.Sreenivasa Rao

.....RESPONDENT

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JUDGMENT:(per Hon'ble Sri Justice Ramesh Ranganathan)

Heard Sri E.Madan Mohan Rao, learned counsel for the appellants and Sri M.Panduranga Rao, learned counsel for the sole respondent, and at their request, the writ appeal itself is taken up for disposal at the stage of admission.

W.P.No.23180 of 1996 was allowed on the ground that it

was not fair on the part of the respondents/appellants to recover $1897 from the respondent-writ petitioner at that stage since it was not their case that there was any misappropriation committed by the petitioner causing loss to the exchequer. Rather, it was only a technical violation, if any, committed by the petitioner in not producing the bills, which ought not to have been viewed so seriously. The learned Single Judge also noted that, since the petitioner was not put on notice, the impugned order was in violation of principles of natural justice. The learned Single Judge, while setting aside the order, held that the respondent/appellants could not recover the sum of $ 1897 or its equivalent in Indian currency, after a lapse of three years from the date of his return to India on completion of his training.

It is not in dispute that the respondent-writ petitioner was not put on notice prior to the impugned order of recovery being passed. Since the writ petition was required to be allowed on this sole ground, the other question as to whether the respondent-appellants were justified in recovering the amount after a lapse of three years need not have been gone into in the writ petition and to this extent the order of the learned Single Judge is set aside.

The appellants are at liberty to take action against the respondent-writ petitioner after putting him on notice and after giving him an opportunity of being heard. Needless to state that in

case, he is so put on notice, it is always open to the respondent-petitioner to raise all such grounds as are available to him in law and the appellants herein will decide the matter in accordance with law, uninfluenced by any observations made either by the learned Single Judge or in the order now passed by us.

Subject to above observations, the writ appeal is disposed of. However, in the circumstances, without costs.

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B.PRAKASH RAO, J

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RAMESH RANGANATHAN, J

06th November, 2006

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